

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

FACET TECHNOLOGY CORP.,

Plaintiff,

v.

TOMTOM INTERNATIONAL B.V.,
TOMTOM, INC., AND TOMTOM NORTH
AMERICA, INC.,

Defendants

Civil Action No. 1:24-cv-00111-PB-TSM

DECLARATION OF
HENRY M. PURTILL

1. I, Henry M. Purtill, submit this declaration in support of TomTom International B.V. (“TT Int’l”), TomTom, Inc. (“TTI”),¹ and TomTom North America’s (“TTNA”) (collectively, “Defendants”) Motion to Dismiss. I am over 18 years of age and make all statements based on my personal knowledge.

2. Exhibit A is a true and correct copy of Monona Bank’s August 15, 2017, security interest in U.S. Patent Nos. 9,335,255 (“the ‘255 Patent”) and 9,671,328 (“the ‘328 Patent”). This document was publicly recorded with the U.S. Patent and Trademark Office (“USPTO”) on August 24, 2017.

¹ TTI was merged into TTNA on December 31, 2022, as recorded by the Massachusetts Secretary of the Commonwealth. TTI no longer exists. By operation of law, all of TTI’s obligations have been assumed by TTNA. Mass. Gen. Laws. C. 156B § 80(1); *see also Hoy v. Nat’l Sch. Bus Servs., Inc.*, No. 04-2238-G (Mass. Super. Ct. June 22, 2005) (under Massachusetts law, “the corporation that emerges from a merger assumes ... all liabilities and obligations of the subsumed organization.”). Facet was so advised by counsel for Defendants but has refused to remove TTI as a party, so Defendants include them as movants.

3. Exhibit B is a true and correct copy of Monona Bank's January 11, 2023, release of the security interest in U.S. Patent Nos. 9,335,255 ("the '255 Patent") and 9,671,328 ("the '328 Patent"). This document was publicly recorded with the USPTO on January 13, 2023.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct.

/s/ Henry M. Purtill

Henry M. Purtill, Esq. (*pro hac vice*)

Whitmyer IP Group LLC

Attorney for Defendants

Date: 7/17/2024

Place: Stamford, CT